

BILL NO. Z-86-06-05

ZONING MAP ORDINANCE NO. Z-

08-86

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. G-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a POD (Professional Office District)
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

A tract of land located in Lagro Reserve, Township 30
North, Range 12 East, in Allen County, Indiana, and by
metes and bounds described as follows, to-wit:

Commencing on the centerline of the public highway
known as the Upper Huntington Road, and U.S. Highway
#24, at a point situated 7 chains 50 links West of the
East line of said Lagro Reserve; thence South 51
degrees, 30 minutes West, along the said highway
centerline, a distance of 564.8 feet; thence South 38
degrees 30 minutes East, 340.4 feet; thence North 28
degrees 35 minutes, 162.88 feet; thence North 38
degrees 50 minutes East, 182 feet; thence North 49
degrees East, 141 feet to the West line of the East
6.50 chains of said Lagro Reserve; thence North on a
line parallel to and 6.50 chains West of the East line
of said Reserve, a distance of 240.0 feet to the
Southeast corner of Lot 17 in Edsall's Subdivision of a
portion of said Lagro Reserve as recorded in Deed
Record 30, pages 160-161, of the official records of
said county; thence West on the South line of lot
aforesaid, a distance of one chain to the point of
beginning, containing 3.32 acres of land, Subject to
the public highway hereinbefore mentioned, EXCEPT THE
FOLLOWING:

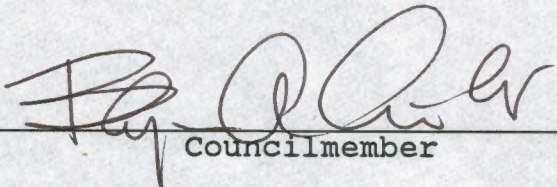
Part of Lagro Reserve in Township 30 North, Range 12
East, (Wayne Township), Allen County, Indiana, more
particularly described as follows, to-wit:

Beginning on the West line of the East 6.50 chains
(429.0 feet) of Lagro Reserve at its intersection
with the South line of Lot #17 in Edsall's Subdivision
in Lagro Reserve (recorded in Deed Record 30, pages
160-161, in the Office of the Recorder of Allen County,
Indiana); thence South 89 degrees 42 minutes West,
(bearings based on Indiana State Highway Commission
plans for U.S. Highway #24) on and along the South line
of said Lot #17, a distance of 63.4 feet (recorded 66
feet) to the centerline of U.S. Highway #24; thence
South 51 degrees 30 minutes West on and along said

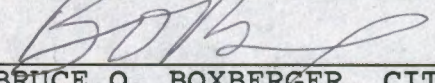
centerline, 242.44 feet; thence South 26 degrees 12 minutes 30 seconds East, 253.8 feet; thence North 38 degrees 38 minutes East, (recorded North 38 degrees 50 minutes East), 59.0 feet; thence North 48 degrees 48 minutes East (recorded North 49 degrees East), 141.0 feet to the West line of said East 6.50 chains; thence North 00 degrees 27 minutes West on and along said West line, 240.0 feet to the point of beginning, containing 1.345 acres of land, subject to U.S. Highway #24 right-of-way.

and the symbols of the Cit of Fort Wayne Zoning Map No. G-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by E. Isenbach
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wa
Indiana, on 6-10-86, the 10 day of
June, 19 86, at 10:00 o'clock A.M.,

DATE: 6-10-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Isenbach
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 7-8-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-08-86

on the 8th day of July, 19 86

ATTEST:

Sandra E. Kennedy

(SEAL)

Samuel J. Talarico

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 9th day of July, 19 86
at the hour of 10:00 o'clock 10.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14 day of July
19 86, at the hour of 11 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4011 West Jefferson Bl

Reason for Project

To establish office uses.

Discussion (Including relationship to other Council actions)

19 May 1986 - Public Hearing

Pete Mallers, attorney, for the petitioner appeared before the Commission. Mr. Mallers stated that the total acreage involved is 1.975 acres and the property is located across the proposed Apple Glen development. He stated that immediately to the east of the tract is property that will be utilized as offices. He stated that to the west and south is single family. He stated that further up and down West Jefferson there are commercial developments and other office districts. He stated that they felt that the request is consistent with the development that has occurred and which undoubtedly will occur in the future. He stated that we are prepared to follow through with the recommendations of the planning staff.

John Shoaff questioned if the lighting for the parking area would be designed in order not to glare on adjacent properties.

Phil Troyer with Sherbondy and Associates stated that although the lighting was not addressed in the preliminary plat they have agreed with the street lighting department that they would be looking at just a low level light for the parking itself. He stated that they are not going to light the fronts of the buildings except just to identify a doorway. He stated they are looking for a very low key residential looking property.

John Shoaff questioned if they intended to screen the parking area.

He stated that they have provided an area in the back to retain the storm water, but at the same time it gives them some additional land area to use for some burns and using the top soil to build up some landscape mounds on that side as well as a 6 foot high opaque fence that is to be approved by the Plan Commission. He stated that once they get an accurate survey and topo they will be looking to see if they can save as much of the natural vegetation as possible, particularly around the perimeter and depending upon where it falls within the development the area between the parking lot and the building so that they can

maintain as much natural growth and they would be supplementing that with additional trees and shrubs to satisfy any requirements of the Commission.

Duane Embury asked where they were going to establish the retention pond.

Mr. Troyer stated the south corner of the property. He stated that they believe that the sanitary and storm sewer is a little bit to the south of their property line and they were informed that they may have to extend that main and they are prepared to do that.

Duane Embury questioned why the staff called for a 40 foot easement rather than a dedicated right-of-way.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Eleftherios Maggos
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken
☐ For with revisions to conditions
(See Details column for condition
CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Mr. Streit stated that it was his understanding that this 40 foot grant of easement was being made along Illinois and West Jefferson which goes hand in hand with the agreement to construct the road at such time as it is determined it should be done.

Mr. Sabury questioned why this should not be made a dedicated right-of-way and not an easement.

Mr. Troyer stated he felt the intent of the Plan Commission was that this be a private road and not be maintained by the City.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

2 June 1966 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present 7 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

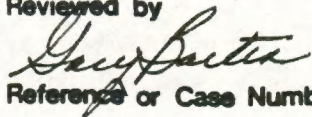
Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start**Date** 18 April 1986**Projected Completion or Occupancy****Date** 18 June 1986**Fact Sheet Prepared by**

Patricia Biancaniello

Date 18 June 1986**Reviewed by****Date**

17 June 1986

Reference or Case Number

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 595

FT. WAYNE, IND., 4/17 1986

RECEIVED FROM

Beers, Malters, Salin etc. \$ 50.00

THE SUM OF

Fifty

100 DOLLARS

ON ACCOUNT OF

4011 Upper Huntington Rd.ReynoldsB. Steele

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/~~we~~ Eleftherios Maggos

(Applicant's Name or Names)

do^{es} hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~R-1~~ RA District to ~~a/k/a~~ POD District the property described as follows:

Part of Lagro Reserve 1.975 acres of 5.08 acres Northwest Corner, Southeast $\frac{1}{4}$,
Northeast $\frac{1}{4}$ 8-30-12, South of Huntington Road.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

~~4011 Upper Huntington Road on U. S. Highway 24 West~~

4011 West Jefferson
(General Description for Planning Staff Use Only)

I/~~we~~, the undersigned, certify that I am ~~the~~ ^{the future} owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Eleftherios Maggos

4502 Maples Road

Eleftherios Maggos

Fort Wayne, IN 46816

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

2200 Fort Wayne Bank Bldg.

Fort Wayne, IN 46802

(219) 426-9706

(Name)

(Address & Zip Code)

(Telephone Number)

Peter G. Mallers, II
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: A tract of land located in Lagro Reserve, Township 30 North, Range 12 East, in Allen County, Indiana, and by metes and bounds described as follows, to-wit:

Commencing on the centerline of the public highway known as the Upper Huntington Road, and U.S. Highway #24, at a point situated 7 chains 50 links West of the East line of said Lagro Reserve; thence South 51 degrees, 30 minutes West, along the said highway centerline, a distance of 564.8 feet; thence South 38 degrees 30 minutes East, 340.4 feet; thence North 28 degrees 35 minutes, 162.88 feet; thence North 38 degrees 50 minutes East, 182 feet; thence North 49 degrees East, 141 feet to the West line of the East 6.50 chains of said Lagro Reserve; thence North on a line parallel to and 6.50 chains West of the East line of said Reserve, a distance of 240.0 feet to the Southeast corner of Lot 17 in Edsall's Subdivision of a portion of said Lagro Reserve as recorded in Deed Record 30, pages 160-161, of the official records of said county; thence West on the South line of lot aforesaid, a distance of one chain to the point of beginning, containing 3.32 acres of land, Subject to the public highway hereinbefore mentioned, EXCEPT THE FOLLOWING:

Part of Lagro Reserve in Township 30 North, Range 12 East, (Wayne Township), Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the West line of the East 6.50 chains (429.0 feet) of Lagro Reserve at its intersection with the South line of Lot #17 in Edsall's Subdivision in Lagro Reserve (recorded in Deed Record 30, pages 160-161, in the Office of the Recorder of Allen County, Indiana); thence South 89 degrees 42 minutes West, (bearings based on Indiana State Highway Commission plans for U.S. Highway #24) on and along the South line of said Lot #17, a distance of 63.4 feet (recorded 66 feet) to the centerline of U.S. Highway #24; thence South 51 degrees 30 minutes West on and along said centerline, 242.44 feet; thence South 26 degrees 12 minutes 30 seconds East, 253.8 feet; thence North 38 degrees 38 minutes East, (recorded North 38 degrees 50 minutes East), 59.0 feet; thence North 48 degrees 48 minutes East (recorded North 49 degrees East), 141.0 feet to the West line of said East 6.50 chains; thence North 00 degrees 27 minutes West on and along said West line, 240.0 feet to the point of beginning, containing 1.345 acres of land, subject to U.S. Highway #24 right-of-way.

The above described real estate is the same real estate as the following:

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the centerline of Upper Huntington Road, (formerly U.S. Hwy. #24) at a point 492.4 feet (7 chains 50 links, deed) West of the East line of Lagro Reserve; thence South 51 degr. 30 min. West along the centerline of the Upper Huntington Road, a distance of 272.44 feet to the point of beginning; thence South 26 degr. 02 min. 10 sec. East (South 26 degr. 12 min. 30 sec. East, deed), a distance of 254.32 feet actual (253.8 feet, deed); thence South 38 degr. 29 min. 10 sec. West (South 38 degr. 50 min. West, deed), a distance of 121.6 feet, actual, (123.0 feet, deed); thence South 28 degr. 28 min. 30 sec. West, (South 28 degr. 35 min. West, deed), a distance of 165.3 feet, actual, (162.86 feet deed); thence North 38 degr. 31 min. 40 sec. West (North 38 degr. 30 min. West, deed), a distance of 340.4 feet to a point on the centerline of Upper Huntington Road; thence North 51 degr. 30 min. East, a distance of 325.67 feet actual, (322.36 feet, deed) to the point of beginning, containing 1.946 acres, subject to road rights-of-way and easements.

JOB FOR: NATIONAL OIL CORP.

4-21-86



CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

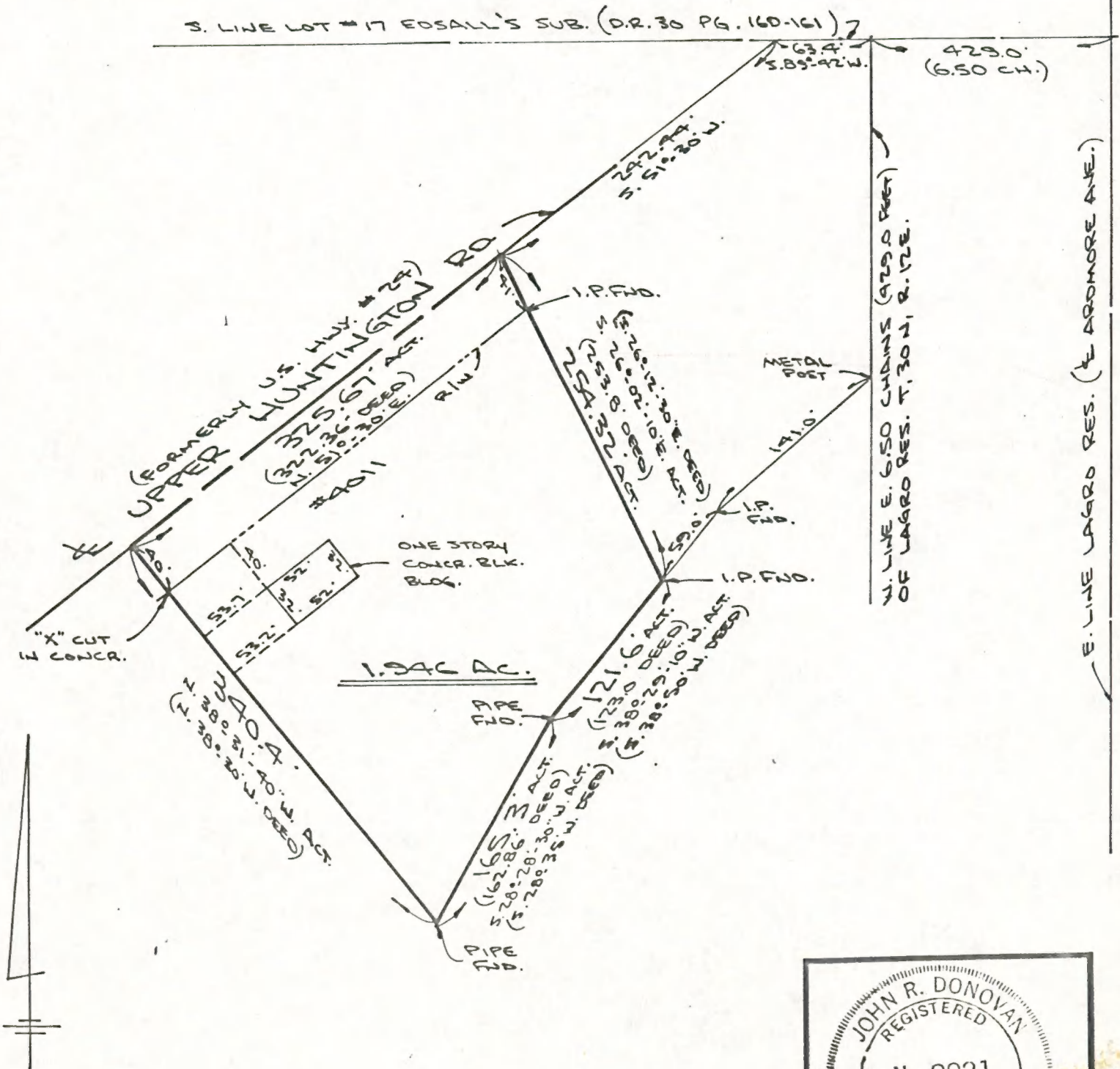
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. SO193 INDIANA
GREGORY L. ROBERTS P.L.S. No. SO548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

NOTE: According to the Flood Insurance Rate Map (FIRM), number 180003 0020B, dated April 3, 1985, the herein described real estate is located in Zone "C", and is not in a flood hazard area.



JOB FOR: NATIONAL OIL CORP.

1" = 100'
4-21-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 19, 1986

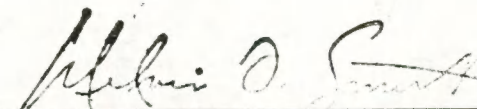
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 2, 1986.

Certified and signed this
18th day of June 1986.



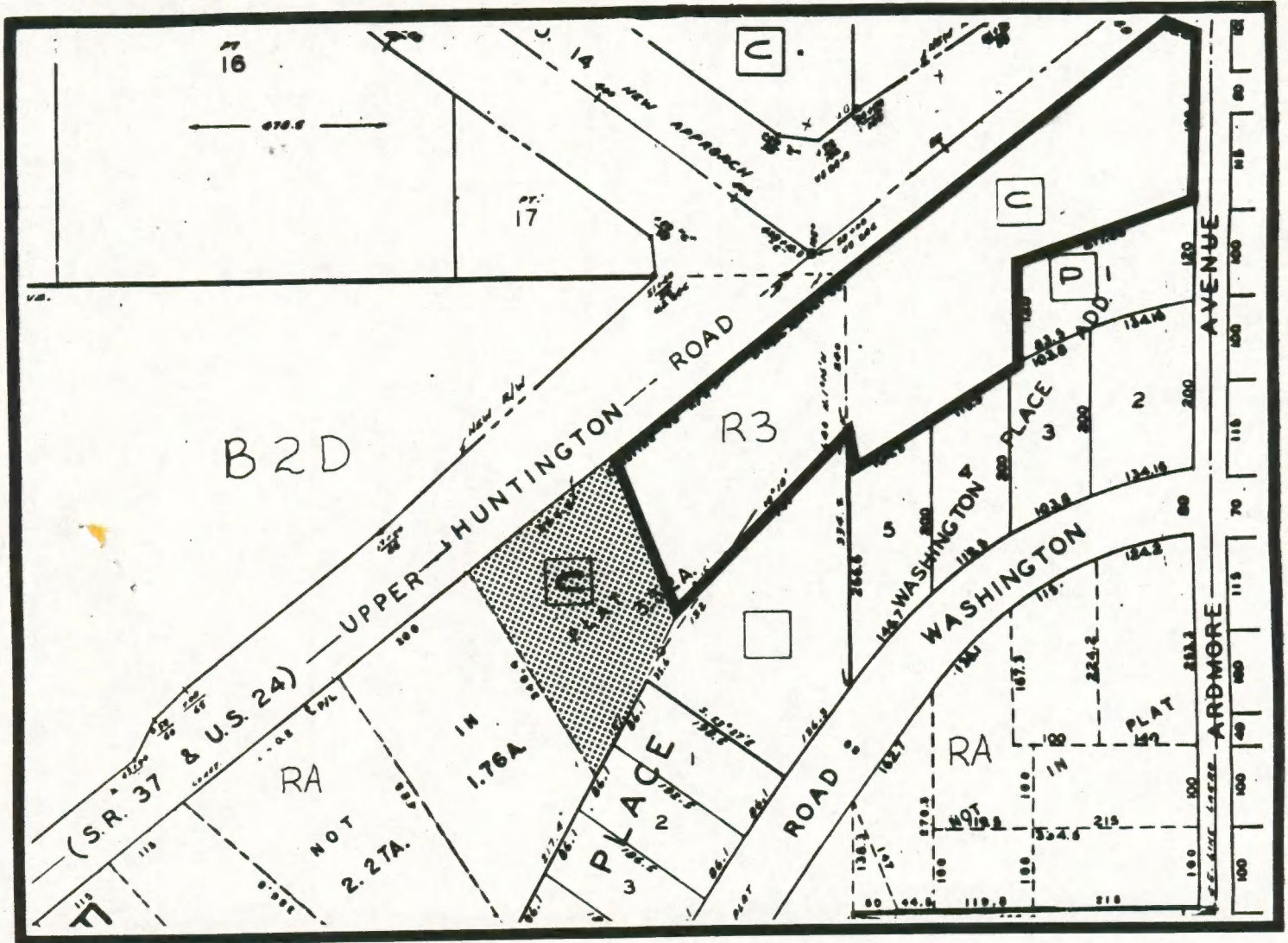
Melvin O. Smith
Secretary

REZONING PETITION #192

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A DISTRICT TO A POD DISTRICT.

MAP No. 62

COUNCILMANIC DISTRICT No. 4



ZONING:

RA RESIDENTIAL
R2 TWO FAMILY RESIDENCE
R3 MULTIPLE FAMILY RESIDENCE
B2D SHOPPING CENTER

LAND USE:

□ SINGLE FAMILY
⊞ COMMERCIAL
⊞ PUBLIC

SCALE: 1" = 200'

18

DATE: 5-2-86



Admn. Appr. _____

DIGEST SHEET

ORIGINAL

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4011 West Jefferson

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property
will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. Z-86-06-05

REPORT OF THE COMMITTEE ON REGULATIONS

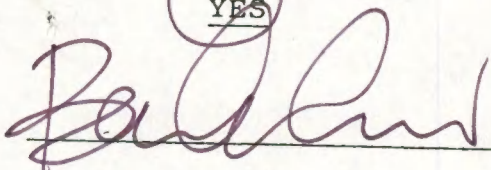
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort
Wayne Zoning Map No. G-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

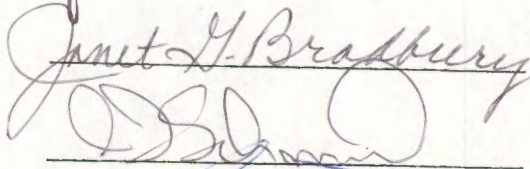
~~(RESOLUTION)~~

YES

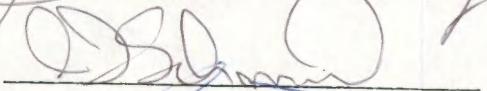
NO



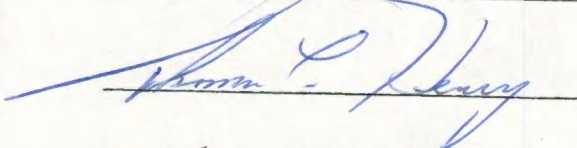
BEN A. EISBART
CHAIRMAN



JANET G. BRADBURY
VICE CHAIRWOMAN



DONALD J. SCHMIDT



THOMAS C. HENRY



CHARLES B. REDD

CONCURRED IN 7-8-86

SANDRA E. KENNEDY
CITY CLERK